



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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September 3, 1997

Charles T. Wiedenhoft
Ash Grove Cement Company
8900 Indian Creek Parkway, Suite 600
Overland Park, Kansas 66210

Re: Acceptance of Notice of Intention to Commence Small Mining Operations, Grouse Creek Clay Project, S/003/043, Box Elder County, Utah

Dear Mr. Wiedenhoft:

Thank you for your Notice of Intention to Commence Small Mining Operations, received by the Division on August 6, 1997. The application for the proposed Grouse Creek Clay Project, located in the SW 1/4 of the NE 1/4 of Section 26, T9N, R19W, SLBM, Box Elder County, Utah is complete and no additional information is required at this time. However, we need to clarify your request for variances.

- Variance Request for *item 3 is denied* inasmuch as the Division will not hold an operator responsible for mining-related disturbances that are the responsibility of someone else.
- Variance Request for *item 10 (topsoil salvage) is granted* for the current disturbance (about 1 acre). Since you plan to salvage existing topsoil (even though it is very thin), the variance request does not apply to areas that have not yet been disturbed.
- Variance Request for *item 11 is denied* since it is contrary to your plans to regrade highwalls to less than 45 degrees. The rules do not require importing material from outside the minesite to bring the site back to 'original contour'.
- Variance Request for *item 12 is denied* since a proper seedbed needs to be prepared by ripping or discing to break up surface crusts and compacted areas so that the seeding effort can be successful. Broadcast seeding is acceptable to the Division.

For your reference, I have enclosed copies of our summarized rules regarding "Operation and Reclamation Practices," and the statutory penalty for failure to reclaim a minesite (SMO-1). Please give special consideration to item #10 of the "Operation and Reclamation Practices. Stockpiling topsoil material prior to beginning your mining operation will help ensure successful revegetation efforts upon final reclamation of the minesite. If the area being mined is a solid rock outcrop, or if the land surface is very rocky, then soil stockpiling is probably not possible. However, even the first few inches of

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undeveloped material is worth saving to aid in later revegetation efforts, and future regulatory release from reclamation requirements.

Should you wish to expand your operation beyond the five (5) acre limitation, please notify this office as soon as possible to discuss the necessary permitting requirements. Approval of a large mining notice could take from six to twelve months or longer.

A Memorandum of Understanding between this Division and the State Department of Environmental Quality (DEQ) requires us to notify them upon receipt of a mining application. If you haven't already done so, you are advised to contact their office prior to starting your small mining operation to determine whether additional permits and/or approvals are required. We will forward a copy of this letter and your notice to the DEQ for their review. Their address and phone number is: Department of Environmental Quality, 288 North 1460 West, Salt Lake City, Utah, 84116, (801) 538-6146.

Approval of mineral exploration or mining operations by the Division of Oil, Gas and Mining does not constitute approval to commence operations upon lands under state mineral leases/school sections administered by the School and Institutional Trust Lands Administration, or federal lands managed by the Bureau of Land Management (BLM) or United States Forest Service (USFS). Before conducting mining operations on these lands, the operator must provide written notification, meet bonding requirements, and obtain written approval from the appropriate agency. School and Institutional Trust Lands Administration can be reached at: 675 East 500 South, Salt Lake City, Utah 84102; phone number (801) 538-5100. You will need to contact the appropriate BLM Resource Area or USFS Ranger District for their requirements.

Thank you for your cooperation. When in the area, a member of the Division staff will examine the site. Best wishes with your mining operation.

Sincerely,



Lynn Kunzler
Senior Reclamation Specialist

jb
Enclosure
cc: Kiran Bhayani, DWQ w/NOI
Roger L. Bon, UGS
Tracking File
S003043.noi